

Exhibit A

1 STATE OF WISCONSIN

2 CIRCUIT COURT

TAYLOR COUNTY

3 -----
4 In the Interest of:

5 UNBORN CHILD

6 and

Case Number 14-JC-09

7 TAMARA LOERTSCHER.
8 -----

9 Motion Hearing
10 -----

11 HONORABLE GREGORY G. KRUG,
12 COURT COMMISSIONER, PRESIDING

13 Tuesday, August 5, 2014

14 Taylor County Courthouse, Medford, Wisconsin
15 -----

16 APPEARANCES

17 COURTNEY L. GRAFF, Taylor County
18 Corporation Counsel, appearing on behalf of Taylor
19 County Human Services.

20 MICHAEL D. SHIFFLER, Attorney at Law,
21 appearing as Guardian ad Litem on behalf of the
22 unborn child.
23
24

25 Reported by Mary B. Burzynski, RPR

I N D E X:

In the Interest of Unborn Child and Tamara Loertscher

EXAMINATION INDEX:

Page

COUNTY'S WITNESSES:

Jennifer S. Bantz, M.D.:

Direct Examination by Ms. Graff: 11

Examination by the Court: 20

Redirect Examination by Ms. Graff: 21

ARGUMENT BY COUNSEL:

By Ms. Graff: 23

By Mr. Shiffler: 25

RULING OF THE COURT: 26

E X H I B I T I N D E X:

No.

Page

1 Dr. Bantz's Report 22

P R O C E E D I N G S:

(The following transcript was transcribed from the audio recording of the hearing.)

THE COURT: This is Greg Krug. I'm the court commissioner. We're in Taylor County Circuit Court at this time.

And is Tamara Loertscher available?

UNIDENTIFIED SPEAKER: She's here in the room.

THE COURT: And can she just say something so we know she can hear us and we can hear her?

UNIDENTIFIED SPEAKER: Can you say something to the judge?

THE COURT: Tammy, can you hear me?

MS. LOERTSCHER: Yes.

THE COURT: Okay.

This is the time and date set for a temporary physical custody hearing, and in court today is Courtney Graff, the attorney for Taylor County and the human services department; Julie Clarkson, the social worker from Taylor County Human Services. We have Darlene Anderson in the gallery from human services and Liza Daleiden from human services also present.

1 The guardian ad litem for the unborn
2 child is Michael Shiffler, and I'm Greg Krug. I'm
3 the court commissioner for today's proceedings.

4 And, Ms. Graff, can you tell me the --
5 kind of where we are at right now?

6 MS. GRAFF: Certainly.

7 Your Honor, under Wisconsin Statute
8 48 -- under Wisconsin Statute 48.133, we are
9 requesting temporary physical custody of -- of the
10 unborn child whose mother is Tamara Loertscher.
11 We -- nobody in this room since our request for a TPC
12 was filed has been able to speak with Ms. Loertscher
13 so we do not know if she's contesting this TPC
14 request at this point.

15 THE COURT: Okay. So have you filed a
16 petition in this case?

17 MS. GRAFF: I have not filed it, Your
18 Honor. I have copies, but copies have been
19 distributed to all parties. I have one here in the
20 courtroom. I did fax one to Cori.

21 Cori, did you receive it?

22 UNIDENTIFIED SPEAKER: I did. It's
23 sitting in front of Tamara right now.

24 MS. GRAFF: Okay. Thank you.

25 THE COURT: All right. So --

1 Ms. Graff, what are you -- what's your position on
2 the temporary physical custody, or what's the
3 county's position on where Ms. Loertscher is going to
4 be placed until the child is born?

5 MS. GRAFF: Due to the nature of the
6 allegations, Your Honor, we would ask that pursuant
7 to the doctor's recommendations that Ms. Loertscher
8 continue at Luther Hospital until deemed medically
9 cleared to be discharged. Her treating physician at
10 this time has suggested that would probably be this
11 coming Thursday.

12 At that time the county's requesting
13 that she be transferred and placed at a licensed
14 treatment facility that. That is consistent with the
15 doctor's recommendations and the nature of the
16 allegations attached to the petition.

17 Also for the record, I have attached
18 to the petition doctor's reports and lab results
19 which support the allegations in the petition.

20 THE COURT: Okay. Before we get to
21 the -- the evidence part, Ms. Loertscher, you -- you
22 can hear me, correct?

23 MS. LOERTSCHER: Yes.

24 THE COURT: Okay. You understand that
25 this temporary physical custody hearing is -- I have

1 to make a ruling based upon the probable cause
2 portion of this request and then to determine whether
3 you should remain in temporary physical custody until
4 cleared by the doctor or until the child is born, or
5 you -- is that right?

6 MS. LOERTSCHER: I won't answer any
7 more questions until my lawyer Rick Cveykus is in on
8 this.

9 THE COURT: Have you retained an
10 attorney for this proceeding?

11 MS. LOERTSCHER: Yes. That is him.

12 THE COURT: And is he -- is he going
13 to be present with you at the hospital, or how are we
14 supposed to get him involved with the hearing?

15 MS. LOERTSCHER: Well, I'm not sure
16 since I can't use the phone or anything and I have
17 somebody else doing this for me. So --

18 THE COURT: Okay.

19 MS. LOERTSCHER: -- I will not answer
20 any more questions until he is present.

21 THE COURT: Okay. The -- the county
22 is under an obligation to hold this hearing within, I
23 want to say 48 hours. Is that correct?

24 MS. GRAFF: That's correct, Your
25 Honor.

1 THE COURT: Forty-eight hours of you
2 being taken into custody. You will have a chance,
3 always, to have any decision from today reviewed.
4 There will be a petition filed which would also give
5 you a chance for another court hearing in there in
6 which time any placement or custody can be reviewed.

7 But the county's obligated to proceed
8 with this hearing. So I guess -- I was going to ask
9 if we had -- if you were contesting it, but it
10 appears as if you are.

11 But I'm going to ask the county to
12 proceed with the hearing unless you have some way I
13 can get a hold of your attorney at this time to get
14 him involved with the hearing.

15 UNIDENTIFIED SPEAKER: Do you know a
16 phone number, Tammy?

17 MS. LOERTSCHER: (Ms. Loertscher made
18 no verbal response.)

19 MS. GRAFF: Is that no, Cori?

20 UNIDENTIFIED SPEAKER: She just wrote
21 it down here on a piece of paper. I don't know if
22 you're able to call him. It's 560-1793.

23 THE COURT: I think what we'll do,
24 Counselor, is take a little break to see if this
25 attorney is --

1 What's his name?

2 MS. LOERTSCHER: Rick Cveykus.

3 THE COURT: Rick Cveykus?

4 MS. LOERTSCHER: Yep.

5 THE COURT: We'll adjourn the hearing
6 a little bit, and we'll call Attorney Rick Cveykus to
7 see if he's indeed representing you and if he's
8 available for the hearing.

9 MS. LOERTSCHER: Okay.

10 THE COURT: Okay. Thank you.

11 MS. LOERTSCHER: Okay.

12 (A brief recess was taken.)

13 DEPUTY KAUFFMAN: Cori?

14 UNIDENTIFIED SPEAKER: Yeah. I
15 just -- I just followed Tammy down the hallway to her
16 room. She got up and left and went back to her room.
17 So I'm going to leave the conference room. She
18 doesn't want to be a part of this. Okay?

19 MS. GRAFF: Is that considered waiving
20 her appearance?

21 DEPUTY KAUFFMAN: Just hold on, Cori.

22 MS. GRAFF: I'm looking at 48.213,
23 proceedings concerning children in need of protection
24 or services and unborn children in need of protection
25 or services, and -- oh, their child expectant

1 mothers. That's the section.

2 And it looks like -- hang on. Parent,
3 guardian, custodian.

4 All right. I guess I would ask this
5 court find that she's been given the opportunity to
6 meaningfully participate. She did confirm that she
7 could hear us before, and she's voluntarily choosing
8 not to participate. So she is being afforded that
9 opportunity, Judge.

10 THE COURT: Okay. I'm going to find
11 that Ms. Loertscher was an active participant in this
12 hearing; had indicated to the court that she didn't
13 want to talk to the court anymore until her attorney
14 was onboard. She gave us the name of Rick Cveykus
15 who she believed was her attorney.

16 We've taken steps to contact
17 Mr. Cveykus personally. He indicated that he was
18 first informed that this was a type of criminal
19 proceeding, that he doesn't normally do Chapter 48,
20 that he would have his partner who handles juvenile
21 cases to take over the course at a later date and ask
22 for a rehearing if appropriate.

23 In trying to get back to
24 Ms. Loertscher, she had voluntarily left the hearing
25 room and was no longer available. I take that as a

1 voluntary waiver on her part to participate in these
2 proceedings. I did advise her previously that she
3 did have the right to a rehearing if she retained
4 counsel anyway -- anywhere along the way.

5 So I'm going to ask that counsel
6 proceed with this hearing. The -- and we will take
7 that as a continuing objection on the part of
8 Ms. Loertscher's position as to continuing in
9 physical custody.

10 So if you want to call your doctor for
11 testimony.

12 MS. GRAFF: Yes, please.

13 I guess, we'll -- we'll -- she still
14 has the right to come back to the hearing at any
15 time.

16 Cori, are you still there?

17 UNIDENTIFIED SPEAKER: I am, and I'll
18 stay here on speaker. She just told me that I needed
19 to leave because she felt like I was harassing her by
20 remaining in the room with the speakerphone on.

21 THE COURT: Certainly we -- we
22 encourage her to come back and participate and listen
23 to what's going on, but we're going to continue with
24 the hearing. We have a time limit to hear it.

25 UNIDENTIFIED SPEAKER: Okay.

1 THE COURT: Okay.

2 UNIDENTIFIED SPEAKER: Okay.

3 (Dr. Bantz was reached by telephone
4 for testimony.)

5 MS. GRAFF: Hi. This is Attorney
6 Courtney Graff calling from the Taylor County Circuit
7 Court.

8 THE WITNESS: Yes.

9 MS. GRAFF: I apologize that we're a
10 little bit late, but would you be able to provide
11 testimony today in regard to Tamara Loertscher?

12 THE WITNESS: I can, yeah.

13 THE COURT: Okay. This is Greg Krug,
14 I'm the court commissioner.

15 Dr. Bantz, ask you to raise your right
16 hand and we'll take some testimony.

17 JENNIFER S. BANTZ, M.D., after being
18 first duly sworn, testified as follows:

19 THE WITNESS: Yes.

20 THE COURT: Thank you.

21 Ms. Graff, you can go ahead.

22 DIRECT EXAMINATION:

23 BY MS. GRAFF:

24 Q. Dr. Bantz, is that how you say your last
25 name?

1 A. Yes. That's correct. Bantz.

2 Q. And you can hear me okay?

3 A. I can, yes. I -- yes, I can hear you. I'm
4 on a cellphone, but I'm in a quiet room, but I can
5 hear you okay.

6 Q. That's okay. I can repeat. If you need me
7 to speak louder or anything, let me know.

8 A. Uh-huh.

9 Q. Can you recite your name for the court?

10 A. It's Jennifer Bantz.

11 Q. Can you spell your last name, please?

12 A. B, as in boy, a-n-t-z.

13 Q. Okay. And are you a doctor at Luther
14 Hospital at Mayo Clinic in Eau Claire?

15 A. Yes. I -- I am an M.D. I'm an OB/GYN at
16 Mayo Clinic Health Systems in Eau Claire. Yes.
17 That's correct.

18 Q. Did you examine Tamara Loertscher?

19 A. I did last evening, uh-huh.

20 Q. And did you prepare a report or notes from
21 that examination?

22 A. I did dictate a consultation note, yes.

23 Q. And -- okay. And have you reviewed her
24 medical records on file with the hospital?

25 A. There were a lot of records, and I had a

1 busy evening. So I reviewed the majority of them. I
2 can't say I reviewed them all.

3 Q. Okay.

4 A. Yes.

5 Q. Can you summarize your consultation notes
6 regarding your -- your meeting with her yesterday?

7 A. Yes, I can. And before I get started, I
8 just want to verify that I don't have her
9 authorization to speak on her behalf. So I would be
10 breaching confidentiality. Is that -- is that
11 correct?

12 Q. That is not an issue in this type of
13 proceeding.

14 A. Okay.

15 Q. But thank you for bringing that up.

16 A. Okay. I was asked to see Tamara last
17 evening regarding polysubstance abuse and pregnancy.
18 It's my understanding she was admitted to the
19 hospital on August 1st, and she willingly was asking
20 for help in admission is my understanding.

21 My partner, Dr. Ezenagu, was on call
22 on Friday. He was consulted regarding this patient.
23 He had recommended an ultrasound to assess the
24 (inaudible) and viability, and that was performed.
25 And I did review that ultrasound, and that was

1 reassuring, and I did review that result with the
2 patient.

3 Now, I did speak with Tamara regarding
4 just obtaining some history, and generally she said
5 she had a history of depression is my understanding.
6 It's been ongoing for a number of years. She had
7 been on medication before in the past but recently
8 had not and also had the history of hypothyroidism
9 and had been not taking any medications for this, and
10 it had been for a while. And she -- she couldn't
11 give me a timeline. She had been reporting taking
12 some over-the-counter thyroid supplements recently.

13 And in talking with Tamara, she's
14 unsure when she conceived, and she checked some
15 pregnancy tests a while ago, and she couldn't give me
16 a timeline. And when she realized indeed she was
17 pregnant, she realized she should cut back on her
18 methamphetamine use.

19 And I asked her how she was using the
20 methamphetamine, and she said she was smoking it, and
21 she said -- she reported she was taking it daily. I
22 don't know when she particularly cut back on it, but
23 she did continue to use knowing she was pregnant.

24 She reported to me she was using two
25 to three times a week just to, quote, help her get

1 out of bed, end quote. She also reported marijuana
2 use throughout the beginning -- throughout the
3 pregnancy and also reported some use of alcohol but
4 just a few times. She could not give me a -- a
5 specific amount. And she did not report any other
6 drug use during the pregnancy.

7 Q. And -- and, Doctor --

8 A. And --

9 Q. Sorry. Go ahead. While we're talking about
10 the reported drug use, that was all self-reported,
11 did any of the labs that you ordered or anything in
12 the medical records support her drug use while she
13 was pregnant?

14 A. Yes. She -- I'm pulling up the -- the -- I
15 have the dictations here -- sorry -- in front of me.

16 There was -- let's see here. She had
17 a urine test, urine drug screen, on August 1st that
18 was positive for THC, methamphetamine, and
19 amphetamine use. So that did verify her story.

20 Q. Can you elaborate for the court or -- excuse
21 me. Scratch that.

22 Can you recite for the court -- I
23 started reading. Hang on.

24 Can you state whether use of those
25 drugs during pregnancy can seriously endanger the

1 health of the unborn child?

2 A. Now, granted, I'm not an expert witness in
3 this respect, but I'm, again, an OB/GYN. I can speak
4 specific -- on THC use, marijuana, that has not been
5 shown to cause any specific anomalies that we are
6 aware of. There are -- you know, people are -- are
7 studying this. Potentially there could be cognitive
8 deficits from marijuana use in pregnancy. The more
9 concerning agent is the methamphetamine use. In a --
10 that's the more concerning medication.

11 I did do some reading last evening
12 before I spoke with the patient because I don't see
13 that many patients on methamphetamine; however, it is
14 becoming more common. Those patients, the mothers,
15 tend to be underweight, and those babies tend to be
16 smaller at the gestational age. We do know that for
17 a fact.

18 They can be smaller, the mothers don't
19 put on as much weight, and there is a suggestion of
20 cognitive problems later on for those children, such
21 as learning disabilities, and that has been suggested
22 in the literature as opposed to direct publications
23 with organ development, organ genesis. That has been
24 found to be the case.

25 However, these women who are on

1 methamphetamines are not, obviously, taking good care
2 of themselves, typically not receiving prenatal care,
3 and that would create another risk for complications
4 in pregnancy, such as preterm delivery which we know
5 is a complication with lack of prenatal care and that
6 can have, obviously, complications from the
7 prematurity.

8 And with regard to the alcohol use,
9 there's fetal alcohol syndrome which has been
10 well-documented, and we can't say how much alcohol
11 would potentially lead to, you know, alcohol
12 syndrome. I'm not sure of actually the amount she
13 had -- she had actually taken during the pregnancy,
14 and I don't think she's aware either honestly.

15 Q. Do you believe that, Doctor, if use of these
16 drugs continues that there is a substantial
17 likelihood that the unborn child's health would be
18 affected?

19 A. I believe that if she continued with the
20 methamphetamine use that potentially she's putting an
21 increased risk for more complications in that child,
22 potentially cognitive, that sometimes cannot be
23 determined until later on in life in those children.

24 But the continued use would, I think,
25 directly affect her ability to perhaps make good

1 decisions, such as proper prenatal care and -- and
2 adequate care for herself, such as nutrition which
3 could affect the growth of the baby.

4 Q. Okay. In -- in your dictation -- in your
5 consultation, excuse me, I believe you recited some
6 concerns about her being released from custody. Can
7 you recite those for the court?

8 A. Let me see.

9 Q. I believe it was something about if she was
10 returned home to live with her boyfriend.

11 A. Boyfriend, I think it was number 4 of my
12 impressions and plan. It says, "I did discuss
13 support for her when she was discharged. She wants
14 to go back to her boyfriend which I am concerned
15 because I believe" -- there was -- there was a typo
16 there -- "he was providing her the methamphetamine,
17 but she feels that he is supportive and he is going
18 to help her through it."

19 And she had cited an example. He
20 helped her get through -- get her off the alcohol,
21 which she reports, but in reality it appears that
22 he's been providing her the methamphetamine, but she
23 wouldn't directly relate that to me that that's where
24 she was receiving the drug, and this was a concern I
25 had dictated as such.

1 Q. And do you believe from what Tamara had told
2 you and reported to you, do you believe that she
3 would avail herself of community services if
4 released?

5 A. Could you repeat that?

6 Q. Yes.

7 A. I'm sorry.

8 Q. If she were released, do you believe she
9 would avail herself of community services -- to
10 community services?

11 A. That she would get help?

12 Q. Yes.

13 A. As an outpatient? I'm certain that she
14 might not. I can't speak for her support system, but
15 it sounds poor. I think her decision-making is poor
16 and her insight's poor. So that concerns me. And
17 with that concern, that concerns the outcome of the
18 pregnancy and -- and the pregnancy. So that does
19 concern me.

20 I think she has good intentions, but
21 that might be all she has, you know. She -- she's
22 29. She's not 17. She's had quite a lot of years to
23 try and get things together, and she -- she concerns
24 me. And I did bring up with her, and I didn't
25 dictate as such, but an inpatient therapy, and she

1 seemed to think that that wasn't necessary which I
2 don't agree with that.

3 Q. Okay. Is it your recommendation, Doctor,
4 that she go to a treatment facility. Is that
5 correct?

6 A. Yes.

7 Q. Okay. And besides that recommendation to
8 her, do you know of any other services that were
9 offered to her?

10 A. I do not, no.

11 MS. GRAFF: Okay. I have no further
12 questions at this time.

13 Stay on the line. We have another
14 attorney present.

15 THE WITNESS: Yep.

16 MR. SHIFFLER: I don't have any
17 questions, Your Honor.

18 THE COURT: Okay. I have one,
19 Dr. Bantz.

20 The -- is the methamphetamine use
21 addictive to the child, the unborn child, so that
22 when the child is born that it would -- start life
23 with an addiction to methamphetamine?

24 THE WITNESS: I do not know for sure,
25 and I have to read further for that, and I do not

1 know for sure for that. I can speak for other
2 medications, methadone, but I can't speak for
3 methamphetamine, but I do not know the answer to
4 that. Huh-uh.

5 THE COURT: Okay. All right. Based
6 on my question, do you have any other questions,
7 Ms. Graff?

8 DIRECT EXAMINATION:

9 BY MS. GRAFF:

10 Q. I'm not quite sure. Did we ask you how far
11 along she was in her pregnancy?

12 A. No. She could -- to date, she's fourteen
13 weeks and five days.

14 Q. All right.

15 A. She's in her second trimester. She also has
16 hypothyroidism, significant, and she has not been
17 taking her medications. And her TSH is off the
18 charts. It's greater than a hundred, and it's
19 amazing she made it this far without a miscarriage,
20 and I told her as such.

21 Another concern of mine is the
22 hypothyroidism. It's not controlled, and that has a
23 whole 'nother level of risk.

24 MS. GRAFF: Thank you, Doctor. I
25 thank you for offering that.

1 Nothing further.

2 THE COURT: Okay. I think we have
3 nothing further, and we'll let the doctor go back
4 about her business.

5 THE WITNESS: Okay. Thank you.

6 MS. GRAFF: Thank you. Bye.

7 THE WITNESS: Bye.

8 (The witness was excused.)

9 THE COURT: Ms. Graff, are you
10 offering her report into evidence?

11 MS. GRAFF: That's attached to the
12 petition.

13 THE COURT: Okay.

14 MS. GRAFF: I guess I would offer that
15 into evidence at this point.

16 THE COURT: Do you want to have it
17 marked?

18 MS. GRAFF: Sure.

19 THE COURT: Okay.

20 (Exhibit Number 1 was marked for
21 identification.)

22 THE COURT: Any other witnesses?

23 MS. GRAFF: I don't have any other
24 witnesses.

25 THE COURT: Mr. Shiffler, any

1 witnesses?

2 MR. SHIFFLER: I have no witnesses,
3 Your Honor.

4 THE COURT: Okay. Ms. Graff, do you
5 want to make some argument here?

6 MS. GRAFF: Sure.

7 I'm asking that this court find that
8 we have jurisdiction over the adult expectant mother
9 and unborn child pursuant to Wisconsin Statute
10 Chapter 48.133.

11 That statute requires that probable
12 cause be found that there is a substantial risk that
13 the physical health of the unborn child will be
14 seriously affected or endangered by the adult
15 expectant mother's habitual lack of self-control in
16 the use of alcoholic beverages, controlled
17 substances, or controlled substance analogs exhibited
18 to a severe degree, and also probable cause to
19 believe that the adult expectant mother's refusing or
20 has refused to accept any services offered to her and
21 has not made a good-faith effort to participate in
22 any alcohol or drug abuse services offered to her.

23 We heard on testimony today that
24 Ms. Loertscher is indeed pregnant. She did test
25 positive for, you know, polysubstance abuse. We

1 heard three different test results, methamphetamine,
2 amphetamine, and THC. We also heard on testimony
3 from the doctor that Tamara's self-reported that she
4 used alcohol while pregnant.

5 While our -- our doctor only could
6 elaborate on the known effects of fetal alcohol
7 syndrome and the possible effects of THC and
8 methamphetamine, I would ask that since we have the
9 lab results that this court find probable cause does
10 exist that if the mother is not held in custody and
11 essentially forced treatment that her unborn child is
12 going to suffer substantial harm.

13 I believe that this is exhibited to a
14 severe degree according to the doctor's reports
15 attached to the petition and also that she would
16 refuse services. She has denied all along --
17 actually, I guess I did not offer testimony that we
18 have offered services and she's refused.

19 If we need to go back and do that, if
20 the court's not satisfied, the doctor did report that
21 she made the recommendation that inpatient would be
22 consistent with her diagnosis of her condition and
23 she refused that. So I would ask that the court find
24 that that was refusal of services.

25 And right now the doctor is

1 recommending that she remain in Luther Hospital until
2 Thursday or until she is medically cleared, and at
3 that time we ask that she be transferred to a
4 treatment facility.

5 That would be the court-ordered
6 service on behalf the unborn child that we're
7 seeking.

8 THE COURT: Attorney Shiffler, as
9 guardian ad litem.

10 MR. SHIFFLER: Your Honor, I think --

11 THE COURT: Why don't you step up. I
12 think we still have them on.

13 MS. GRAFF: Yes.

14 MR. SHIFFLER: I believe due to the
15 doctor's testimony about the test results for -- for
16 methamphetamines and THC and amphetamines that --
17 that there is -- there's -- that there's a likelihood
18 that the mother can't control -- can't control her
19 use of these controlled substances, and it's in the
20 child's best interest that she stay, you know, in the
21 hospital until she's medically -- medically cleared
22 and then go to a treatment facility.

23 Additionally, the doctor testified
24 about her thyroid condition, how that's a risk and
25 that's -- you know, that she was amazed she hadn't

1 miscarried -- had a miscarriage yet. And so I
2 think for this child to have a chance of literally
3 being born, it's important that the mom be placed
4 in -- in a -- in a treatment facility.

5 THE COURT: Thank you.

6 Today is the probable cause hearing,
7 and I will find that probable cause exists in this
8 case. Certainly the -- the testimony from Dr. Bantz
9 concerning the self-reported drug use from
10 Ms. Loertscher, I think she indicated she was taking
11 methamphetamine on a daily basis, smoking marijuana
12 on a regular basis, using alcohol.

13 Now the one thing we didn't have is
14 a -- is -- any testimony as to exactly how much of
15 any of those drugs she was using; however, the
16 question is whether they exist to a severe degree.
17 And coupling the facts that she reported the drug use
18 and it showed up in the urine test is the fact that
19 she also suffers from a hypothyroidism and also
20 depression. So when you couple the use of those
21 drugs with those other two symptoms, that magnifies
22 the effect on the child.

23 I was impressed with the doctor's
24 testimony that she believed that the use of these
25 drugs would certainly render her less likely to take

1 care of herself, which does show up in the
2 hypothyroidism where the doctor was surprised, based
3 on her levels, that she had not miscarried
4 (verbatim) yet.

5 So I think that that certainly shows
6 that we have the -- the drug and alcohol use is to a
7 severe degree to jeopardize the safety of the child.
8 There was testimony that she has not availed herself
9 of services available for inpatient treatment.

10 So I am going to find that there --
11 probable cause exists to have her continue in secure
12 custody currently at Luther Hospital. When she's
13 cleared from Luther Hospital, which they believe is
14 going to be around Thursday, then I would want her
15 transferred to a treatment facility during the
16 remaining term of her pregnancy.

17 And as I indicated to Ms. Loertscher
18 at the beginning of this hearing and also to Attorney
19 Cveykus, that anywhere along the line, if they
20 request a rehearing, they would be entitled to a
21 rehearing, but I'm agreeing to enter the order for
22 temporary physical custody today.

23 MS. GRAFF: And -- and, Your Honor, I
24 would note that the proposed order there, which
25 Attorney Shiffler's had an opportunity to review as

1 well, has some attached conditions on the back, and
2 we did make one modification whereas it usually says
3 child/juvenile, we did add unborn child to
4 specifically fit the statutory basis that we're
5 pleading.

6 THE COURT: Okay. I will find that
7 the attached conditions are reasonable under the
8 circumstances. They provide that she be placed at a
9 licensed treatment facility -- treatment facility
10 until the program director deems it appropriate to
11 release her; that she comply with the program
12 director's assessment and treatment recommendations;
13 that if discharged from that program, she continue to
14 comply with the treatment recommendations, including
15 complete sobriety, random urinalysis, and that she
16 cooperate with Taylor County Human Services
17 Department; she sign all releases requested by the
18 human services department that is necessary to
19 facilitate or monitor her treatment; and that she be
20 held in contempt of court if she violates any of the
21 conditions with that order.

22 So I will -- I'm -- I've reviewed this
23 order, and I will sign the same.

24 Anything further?

25 MS. GRAFF: Nothing further.

1 MR. SHIFFLER: No, Your Honor.

2 THE COURT: Mr. Shiffler?

3 MR. SHIFFLER: Nothing further.

4 THE COURT: Okay. Well, then this
5 hearing is adjourned. We will be signing off then.

6 MS. GRAFF: Thank you.

7 UNIDENTIFIED SPEAKER: Okay. Thank
8 you.

9 MS. GRAFF: Thank you, Cori.

10 (The proceedings were concluded.)

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CERTIFICATE PAGE

I, MARY B. BURZYNSKI, Registered
Professional Reporter, do hereby certify:

That said proceedings were transcribed from
audiotaped media to the best of my abilities; and I
hereby certify the foregoing is a full, true, and
correct transcript of my shorthand notes so taken and
thereafter reduced to computerized transcription
under my direction and supervision.

I further certify that I am neither counsel
for nor related to any party to said action, nor in
any way interested in the outcome thereof; and that I
have no contract with the parties, attorneys, or
persons with an interest in the action that affects
or has a substantial tendency to affect impartiality,
or that requires me to provide and service not made
available to all parties to the action.

IN WITNESS WHEREOF, I have here subscribed
my name, this 8th day of December.

Mary B. Burzynski, RPR